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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,086	02/03/2004	Mo Jafari	ACSG-67401 (3052C)	2378

24201 7590 10/16/2006

FULWIDER PATTON  
6060 CENTER DRIVE  
10TH FLOOR  
LOS ANGELES, CA 90045

EXAMINER

SZMAL, BRIAN SCOTT

ART UNIT	PAPER NUMBER
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3736

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/772,086	Applicant(s) JAFARI ET AL.	
	Examiner Brian Szmal	Art Unit 3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 40-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Terminal Disclaimer***

1. The terminal disclaimer filed on June 12, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. No. 6,702,762 B2 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Drawings***

2. The drawings are objected to because: Figure 6 shows a pair of front sides (50) as being directed towards the same part, as well as not being directed towards the front side of D-shaped cross section (48), and connecting part (32) does not show the connection portion of distal core section (30); in Figure 8, end (32) and tapered section (46) should be switched because (46) denotes a tapered section; and in Figure 10, each D-shaped section (40) should have a line clearly drawn towards the D-shaped section and not to the exterior portion of hardened material (36). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless.—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40, 43-45, 47-50, 52 and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Imran et al (5,666,968).

Imran et al disclose a guidewire extension and further disclose a core (11) having a proximal core section (13) with proximal (32) and distal (33) ends, and a distal core section (12) with proximal (17) and distal (18) ends; a weld (41) at a joint connecting the distal end (33) of the proximal core section (13) to the proximal end (17) of the distal core section (12) of the intravascular guidewire (see Figure 3; and Column 3, lines 55-59); the joint is not covered by a sleeve (see Figure 3; and Column 3, lines 55-59); the joint further comprises a first shape at the distal end (33) of the proximal core section (13) and a second shape complementary to the first shape at the proximal end (17) of

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the distal core section (12)(see Figure 3); the joint includes no gap in between the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12)(see Figure 3; and Column 3, lines 55-59); the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12) are aligned complementary to one another (see Figure 3); the core materials (13, 12) are joined together without the use of a hypotube (see Figure 3; and Column 3, lines 55-59); the welded joint includes a mass of hardened material (see Figure 3); the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12) abut each other at the welded joint (see Figure 3); and a means for welding the core sections (13, 12) together disposed at a joint in between the distal end (33) of the proximal core section (13) and the proximal end (17) of the distal core section (12) of the intravascular guidewire.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 42, 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imran et al (5,666,968) as applied to claims 40, 45 and 50 above, and further in view of Thorud et al (6,193,706 B1).

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Imran et al, as discussed above, disclose a guidewire extension but fail to disclose the weld does not include filler material; and the weld is accomplished through heat and pressure.

Thorud et al disclose a guidewire extension system and further disclose the weld (32) does not include filler material (see Column 10, lines 9-10; spot welding is a welding technique that utilizes pressure and heat to join at least two pieces of material together without the use of a filler material); and the weld (32) is accomplished through heat and pressure (see Column 10, lines 9-10).

Since both Imran et al and Thorud et al disclose means for welding guidewire sections together, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the welding technique of Imran et al to include the use of a spot weld, as per the teachings of Thorud et al, since it is well known in the art to utilize a weld with a filler material or a spot weld to join the core sections of a guidewire together.

### ***Response to Arguments***

7. Applicant's arguments, filed June 12, 2006, with respect to the rejection(s) of claim(s) 40-53 under Anderson et al (6,284,089) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Imran et al (5,666,968) and Thorud et al (6,193,706 B1).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Szmalec whose telephone number is (571) 272-4733. The examiner can normally be reached on Monday-Thursday, with Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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